



2525 Third Avenue South  
Farmington, Michigan 49829-1298  
Phone: (906) 786-9300  
FAX: (906) 786-9318  
www.dsisd.k12.mi.us

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CC Docket No. 02-6

Request for Review

TO: FCC

FROM: Mark Christoff

DATE: February 15, 2010

RE: APPEAL ON USAC DECISION dated December 23, 2009

Received & Inspected

FEB 18 2010

FCC Mail Room

Applicant Name: Delta-Schoolcraft Intermediate School District

Applicant BEN: 131724

Service Provider Identification Number: 143005817

Form 471 Application Number: 689343

Funding Request Number: 1887754

We wish to exercise our rights to "Request a Review" for the decision made by USAC on this FRN. USAC denied our original appeal due to the fact that we did not respond within the timeframe when they requested additional information. My last correspondence with Mr. Jose Diaz was on December 4, 2009 when we faxed him information he had requested and this information was due by December 8, 2009 which is within the timeframe. According to the Denial Letter it states that more information was requested on 12/16/09, however, we did not receive an email nor did we receive a fax copy of this request. All prior correspondence from Mr. Diaz was made via email and followed up with a fax on the same day. To date, we have no record of ever receiving any further correspondence requesting further information. Enclosed is the backup documentation which shows all correspondence we have had with Mr. Diaz and the timeframe in which it was submitted.

In the Alpaugh Unified School District, Alpaugh, California, et al. decision, the FCC found that there was good cause for not responding to the USC's requests for additional information. One of the appellants indicated that they never received the request from USAC. This is exactly what happened in our case. We never received the request for additional information. Our records do not disclose that the request was received by us. The FCC decision, In re. Excellence Charter School of Bedford - Stuyvesant Brooklyn New York, et al., followed the decision in Alpaugh and found that there were legitimate reasons for not responding to the USC's requests for information.

If the USAC request for additional information had been received, we would have responded. We have no reason not to respond and have responded to other requests received from USAC. We are now

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submitting the requested information and ask that the FCC grant this appeal and allow funding for the requested services.

We believe that we have demonstrated good cause and ask that our funding request be granted.

Please review this request. Thank you.

Entity Number <u>16056307</u>	Applicant's Form Identifier <u>1887754</u>
Contact Person <u>MARK CHRISTOFF</u>	Contact Telephone Number <u>906-786-9300</u>

**Block 4: Discount Calculation Worksheet**

Worksheet \_\_\_\_\_  
Page \_\_\_\_\_ of \_\_\_\_\_

The Block 4 worksheet is used to calculate your discount for services. You will complete one or more worksheets depending on the type of application you are filing. If you file more than one worksheet, please number the completed worksheets to assure that they are all processed correctly. Please refer to the instructions for information specific to the Type of Application you indicated in Block 1, Item 5.

9a List entities and calculate discount(s): DSISD - LEARNING CENTER School District or Library System Entity Number: 16056307 (For Administrator's Use)

1 Name of Eligible Entity	2 Entity Number AND NCES Code (for Schools) or FSCS Code (for Libraries)	3 Urban or Rural U or R	4 Total Number of Students	5 Number of Students Eligible for NSLP	6 Percent of Students Eligible for NSLP (Col. 5 / Col. 4)	7 Discount from Discount Matrix	8 Weighted Product for Calculating Shared Discount (Col. 4 x Col. 7)	9 Pre-K Adult Ed Or Juvenile Justice	10 Alt Disc Mech	11 Entity Number of School District in which Library Outlet/Branch is Located	12 Discount of Member Entity	13 Shared Discount
<b>ALL ENTITIES</b>			<b>SCHOOLS AND LIBRARIES</b>				<b>Schools with Shared Services</b>	<b>Schools</b>		<b>Library Outlets/Branches</b>	<b>Consortia</b>	
DSISD LEARNING CENTER	16056307	R	195	62	66	80	716				716	

**9b Shared Services**

<b>SCHOOL DISTRICTS:</b> (Including groups of schools within school districts.) Calculate the totals of Columns 4 and 8. Divide the total of Column 8 by the total of Column 4. Enter the result in Column 13.	195				716				90
<b>LIBRARY SYSTEMS:</b> Calculate the total of Column 7. Divide this total by the number of outlets/branches. Enter the result in Column 13.					80				80
<b>CONSORTIA:</b> Calculate the total of Column 12. Divide this total by the number of member entities. Enter the result in Column 13.									80



**Universal Service Administrative Company**  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2009-2010**

December 23, 2009

Mark Christoff  
Delta-Schoolcraft Intermediate School District  
2525 Third Avenue South  
Escanaba, MI 49829

Re: Applicant Name: DELTA-SCHOOLCRAFT I S D  
Billed Entity Number: 131724  
Form 471 Application Number: 689343  
Funding Request Number(s): 1887754  
Your Correspondence Dated: November 19, 2009

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2009 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1887754  
Decision on Appeal: **Denied**  
Explanation:

- During review of your Form 471 application number 689343, it was determined that DSISD Learning Center is a recipient of the services requested on FRN 1887754. USAC requires that all entities receiving service be listed on Block 4 of the Form 471. The record shows that on 10/15/2009 and 10/22/2009, during the Program Integrity Assurance (PIA) review, USAC contacted Delta-Schoolcraft I S D (the District) via fax and email and asked them for documentation to add the aforementioned entity to Block 4 of the Form 471. Specifically, USAC asked for DSISD Learning Center's entity number, discount information (e.g., enrollment and NSLP eligibility count), Rural/Urban status. As this information was not forthcoming, USAC was unable to determine if the funding request was in compliance with Program Rules. On appeal, USAC gave the District an opportunity to provide the missing information. On 11/23/2009 and 12/1/2009

USAC contacted and asked you to provide the missing information. Although you responded on 12/4/2009, the information submitted was incomplete. Specifically, the District did not provide DSISD Learning Center's discount information (e.g., enrollment and NSLP eligibility count). On 12/8/2009, USAC contacted you once again and asked you to provide entity's discount information and extended the allotted time for you to respond by 12/16/2009. Since you have not responded to USAC's last request for additional information, USAC has been unable to determine if the funding request is in compliance with program rules. Consequently, your appeal is denied.

- USAC reviews all program applications and makes funding commitment and disbursement decisions in compliance with FCC rules. *See* 47 C.F.R. sec. 54.500 et. seq. To conduct these reviews, USAC has put in place administrative measures to ensure the prompt resolution of applications. If applicants do not respond within the designated time period, USAC reviews the application based on the information before it. *See* Request for Review by Marshall County School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., CC Docket Nos. 96-45 and 97-21, 18 FCC Rcd 4520, 4522, Order, DA 03-764 para. 6 (rel. Mar. 13, 2003). Typically applicants are required to respond to USAC's requests for additional information necessary to complete their application within 15 days of being contacted. *See* Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, et al., Schools and Libraries Universal Service Mechanism, CC Docket No. 02-6, Order, 21 FCC Rcd 5316-5317, FCC 06-54 para. 23 (rel. May 19, 2006). *See also* SLD section of the USAC website, Reference Area, "Deadline for Information Requests," [www.usac.org/sl](http://www.usac.org/sl). For those instances where USAC contacts the applicant in reference to a Selective Review Information Request, the applicant is provided 30 days to comply with the request. This procedure is necessary to prevent undue delays during the application review process.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

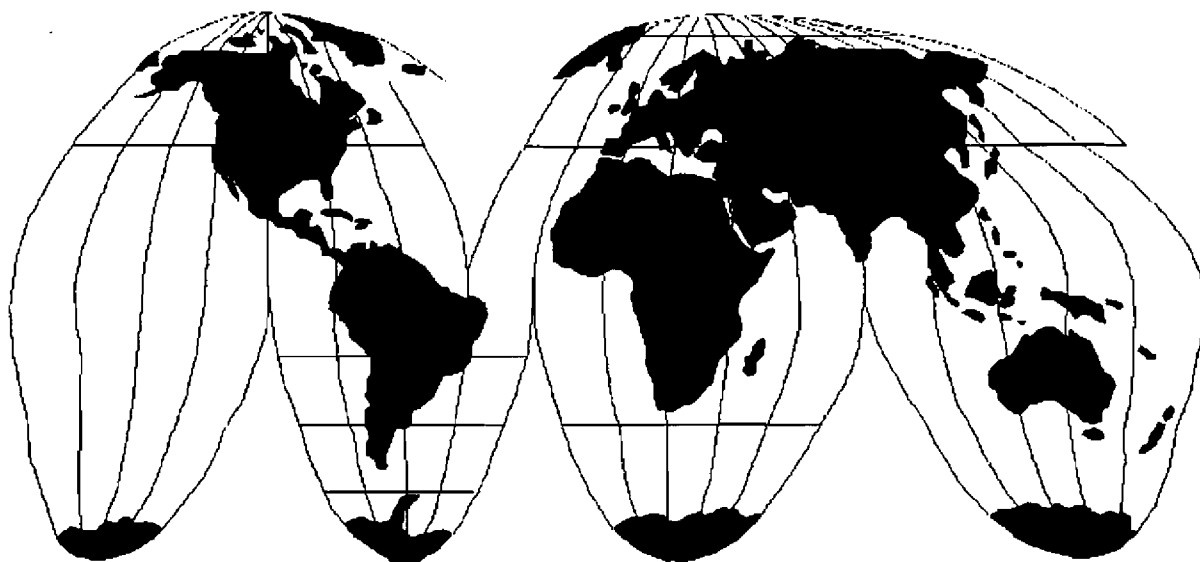
Schools and Libraries Division  
Universal Service Administrative Company

Mark Christoff  
Delta-Schoolcraft Intermediate School  
District  
2525 Third Avenue South  
Escanaba, MI 49829

Billed Entity Number: 131724  
Form 471 Application Number: 689343  
Form 486 Application Number:

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**To:** Mark Christoff

**From:** Diaz, Jose

**Fax Number:** 1-906-786-9318

**Subject:** E-Rate appeal for FCC Form 471

**Date:** November 23, 2009

**Pages:** 5

**Time:** 12:39:47 PM

**Note:**

Mr. Christoff,

Per our conversation of this morning, The Program Compliance team is in the process of reviewing your appeal for Funding Year 2009 FCC Form 471 Applications Numbers **688724** and **689343**. To complete our review, we need some additional information. The information needed to complete the review is attached.

Thank you for your cooperation and continued support of the Universal Service Program.

**Schools and Libraries Division**

November 23, 2009

Mark Christoff  
Delta-Schoolcraft Intermediate School District  
Contact Phone Number 906-786-9300  
Application Number(s) **688724 and 689343**

**Response Due Date: December 8, 2009**

Per our conversation of this morning, The Program Compliance team is in the process of reviewing your appeal for Funding Year 2009 FCC Form 471 Applications Numbers **688724 and 689343**. To complete our review, we need some additional information. The information needed to complete the review is listed below.

**Item 1**

On FCC Form 471 Application Number **688724, FRN 1885988**; you are requesting a monthly request of \$109.99. The contract submitted in support of this funding request suggests that the services requested are being delivered to a single entity "DSISD-James Fitzharris High School." Please answer the following questions:

- Is DSISD-James Fitzharris High School the only recipient of the services requested? *Yes*
- If DSISD-James Fitzharris High School is the only recipient of the services requested should the funding request be site specific instead of shared services? *No*
- DSISD-James Fitzharris High School, however, is not listed in Block 4 of your Form 471 application. Your request cannot be processed until we resolve this discrepancy.
- Do you wish to correct the Block 4 worksheet and add this entity to your Form 471? **Yes or No?** *See attached*

**If NO**, please indicate so, and provide the dollars in each FRN related to this entity.

**If YES**, please provide the following information in writing so that we can process your request:

1. The Entity Name and Entity Number.
2. Discount information (e.g., Enrollment and NSLP eligibility count)
3. The Rural/Urban status of the entity.
4. A list of all the affected FRNs

If you do not have an entity number, please call the Client Service Bureau at 800-203-8100.  
Once you have obtained the entity number, please provide the answers to questions 1 thru 4.

This information is subject to the normal entity and discount validation process, and should include your signature and title; or if responding via email, name and title.



**Item II**

On FCC Form 471 Application Number **689343, FRN 1887754**; you are requesting a monthly request of \$109.99. The contract submitted in support of this funding request suggests that the services requested are being delivered to a single entity "DSISD- Learning Center." Please answer the following questions:

- Is DSISD- Learning Center the only recipient of the services requested?
- If DSISD- Learning Center is the only recipient of the services requested should the funding request be site specific instead of shared services funding request?
- DSISD- Learning Center, however, is not listed in Block 4 of your Form 471 application. Your request cannot be processed until we resolve this discrepancy.
- Do you wish to correct the Block 4 worksheet and add this entity to your Form 471? **Yes or No?**

*See attached*

If **NO**, please indicate so, and provide the dollars in each FRN related to this entity.

If **YES**, please provide the following information in writing so that we can process your request:

5. The Entity Name and Entity Number.
6. Discount information (e.g., Enrollment and NSLP eligibility count)
7. The Rural/Urban status of the entity.
8. A list of all the affected FRNs

If you do not have an entity number, please call the Client Service Bureau at 800-203-8100. Once you have obtained the entity number, please provide the answers to questions 1 thru 4.

This information is subject to the normal entity and discount validation process, and should include your signature and title; or if responding via email, name and title.

Please fax or email the requested information to my attention. If you have any questions or you do not understand what we are requesting, please feel free to contact me.

It is important that we receive all of the information requested **within 15 calendar days** so we can complete our review. **Failure to respond may result in a reduction or denial of funding. If you need additional time to prepare your response, please let me know as soon as possible.**

Should you wish to cancel your Form 471 application(s), or any of your individual funding requests, please clearly indicate in your response that it is your intention to cancel an application or funding request(s). Include in any cancellation request the Form 471 application number(s) and/or funding request number(s), and the complete name, title and signature of the authorized individual.

Thank you for your cooperation and continued support of the Universal Service Program.

Jose Diaz  
Program Compliance  
USAC, Schools and Libraries Division  
Phone: 973-581-5141  
Fax: 973-599-6525  
E-mail: [jdiaz@sl.universalservice.org](mailto:jdiaz@sl.universalservice.org)

Jose Diaz

Program Compliance

USAC, Schools and Libraries Division

Phone: 973-581-5141

Fax: 973-599-6525

E-mail: [Jdiaz@sl.universalservice.org](mailto:Jdiaz@sl.universalservice.org)

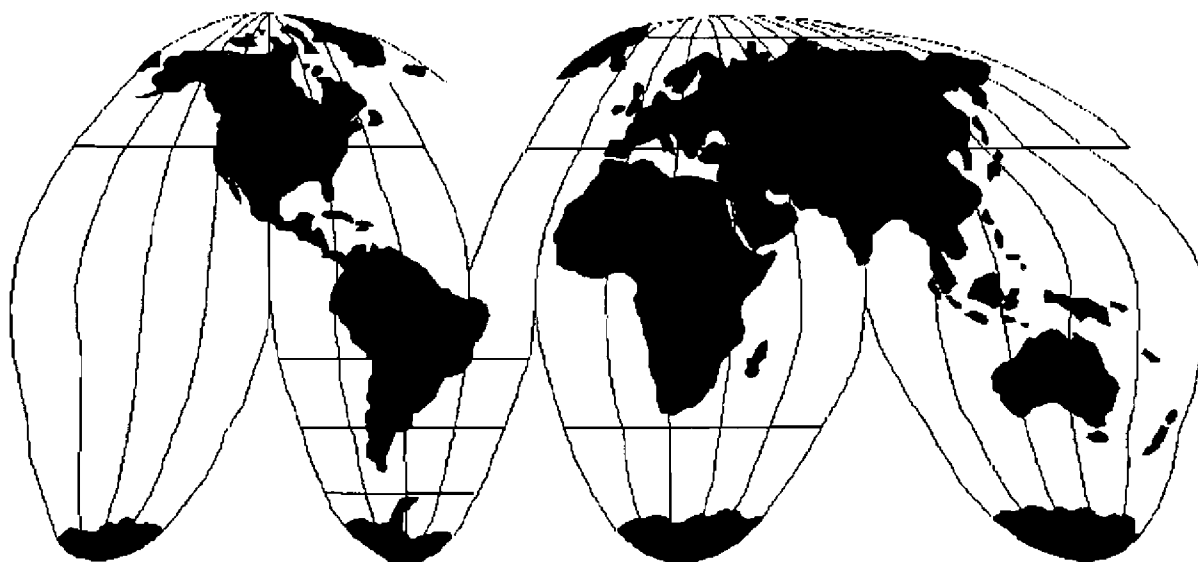
**Block 4: Determining Discount Percentages**

14. Fill in one line per school, library, or library consortium and calculate in the last line, an average discount rate for the billed entry.  
 Attach additional pages if necessary. Note: If the applicant has already completed this chart for all of the same entities with data that is current, provide the "471 Application Number" (Item 3b), from that previous FCC Form 471 here: \_\_\_\_\_.

(1) Name of Individual School or Library	(2) NCES Comparable Code for School or Library (Obtain from Administrator)	(3) Urban or Rural	(4) <i>For Schools:</i> Number of Students <i>For Libraries:</i> NCES Code of a School in its District	(5) <i>For Schools:</i> Number of Students Eligible for National School Lunch Program	(6) <i>For Schools:</i> Percent of Students Eligible for NSLP	(7) Discount Calculated from Discount Matrix	(8) Weighted Product for Calc Shared Discount	(7) Check if School or Library will use "Shared Services" listed in Item 15.	(13) Shared Discount
Bark River Harris Elementary	58509	Rural	367	164	0.45	0.70	256.9	x	
Bark River Harris High School	58510	Rural	292	114	0.39	0.70	204.4	x	
Big Bay De Noc School	58480	Rural	272	127	0.47	0.70	190.4	x	
Webster Elementary	58491	Rural	265	150	0.57	0.80	212	x	
Franklin Elementary	58497	Rural	191	110	0.58	0.80	152.8	x	
Escanaba High	58489	Rural	931	302	0.32	0.60	558.6	x	
Escanaba Junior High	58496	Rural	517	255	0.49	0.70	361.9	x	
John Lemmer	58493	Rural	471	227	0.48	0.70	329.7	x	
Soo Hill Elementary	58498	Rural	338	102	0.30	0.60	202.8	x	
Gladstone Area High School	58500	Rural	540	153	0.28	0.60	324	x	
Gladstone Middle School	58499	Rural	336	118	0.35	0.70	235.2	x	
W.C. Cameron Elementary	58502	Rural	374	117	0.31	0.60	224.4	x	
James T. Jones	58501	Rural	357	131	0.37	0.70	249.9	x	
Manistique Community Elementary	58521	Rural	434	232	0.53	0.80	347.2	x	
Manistique Middle & High School	58523	Rural	588	255	0.43	0.70	411.6	x	
Mid Peninsula School	58566	Rural	241	112	0.46	0.70	168.7	x	
Tri-Township Schools	58564	Rural	407	140	0.34	0.60	244.2	x	
Total			6921	2809	43%	69%	4674.7		
FOR SHARED SERVICES ORDERED BY BILLED ENTITY (attach worksheet of calculations) District's Overall Average Percentage									68%

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**To:** Mark Christoff

**From:** Diaz, Jose

**Fax Number:** 1-906-786-9318

**Subject:** E-Rate appeal for FCC Form 471

**Date:** December 01, 2009

**Pages:** 5

**Time:** 9:12:46 AM

**Note:**

Mr. Christoff,

You were recently sent a written request for additional information needed by the Program Compliance team to review your appeal of Funding Year 2009 Form 471 application numbers **688724** and **689343** to ensure that they are in compliance with the rules of the Universal Service program. This is a reminder that the response due date is approaching. To date, none of the requested information has been received. The information needed to complete the review is attached.

Thank you for your cooperation and continued support of the Universal Service Program.

**Schools and Libraries Division**

December 1, 2009

Mark Christoff  
Delta-Schoolcraft Intermediate School District  
Contact Phone Number 906-786-9300  
Application Number(s) **688724 and 689343**

**Response Due Date: December 8, 2009**

You were recently sent a written request for additional information needed by the Program Compliance team to review your appeal of Funding Year 2009 Form 471 application numbers **688724 and 689343** to ensure that they are in compliance with the rules of the Universal Service program. This is a reminder that the response due date is approaching. To date, none of the requested information has been received. The information needed to complete the review is listed below.

**Item I**

On FCC Form 471 Application Number **688724, FRN 1885988**; you are requesting a monthly request of \$109.99. The contract submitted in support of this funding request suggests that the services requested are being delivered to a single entity "DSISD-James Fitzharris High School." Please answer the following questions:

- Is DSISD-James Fitzharris High School the only recipient of the services requested?
- If DSISD-James Fitzharris High School is the only recipient of the services requested should the funding request be site specific instead of shared services?
- DSISD-James Fitzharris High School, however, is not listed in Block 4 of your Form 471 application. Your request cannot be processed until we resolve this discrepancy.
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This information is subject to the normal entity and discount validation process, and should include your signature and title; or if responding via email, name and title.

Jose Diaz

Program Compliance

USAC, Schools and Libraries Division

Phone: 973-581-5141

Fax: 973-599-6525

E-mail: [jdiaz@sl.universalservice.org](mailto:jdiaz@sl.universalservice.org)

DELTA-SCHOOLCRAFT INTERMEDIATE  
SCHOOL DISTRICT  
2525 THIRD AVENUE SOUTH  
ESCANABA, MI 49829  
(906) 786-9300

*Faxed  
3:30 PM*

## FAX COVER SHEET

DATE: 12/4/09

TO: JOSE DIAZ

FROM: MARK CHRISTOFF/SUE ARGALL

SUBJECT: 688724 & 689343

TOTAL NUMBER OF PAGES, INCLUDING COVER SHEET: 4

COMMENTS:

*Jose -  
I just called today for new entity numbers  
for these two. I'm faxing the information  
requested. Please let us know if you need more.  
Thank you.*

PLEASE CALL IF THERE ARE ANY PROBLEMS WITH THE TRANSMISSION

1. Entity Name – DSISD James Fitzharris High School
2. Entity Number – 16056308
3. Rural/Urban status of the entity – Rural
4. FRN affected – 1885988

1. Entity Name -- DSISD Learning Center
2. Entity Number – 16056307
3. Rural/Urban status of the entity – Rural
4. FRN affected – 1887754